



## CITY of LAGUNA NIGUEL

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Via US Mail and Electronic Mail

November 28, 2018

Phil Wyels  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22nd Floor  
Sacramento, CA 95812  
waterqualitypetitions@waterboards.ca.gov

**RE: SWRCB/OCC File A-2456 (h) – Request to Hold in Abeyance** the Petition of City of Laguna Niguel for Review of Action of the California Regional Water Quality Control Board, San Diego Region, in Adopting Order No. R9-2015-0100, an Order Amending Order No. R9-2013-0001, NPDES No. CAS0109266, as Amended by Order No. R9-2015-0001, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region

Dear Mr. Wyels:

This office represents the City of Laguna Niguel (“Petitioner”) with respect to the above-referenced petition number A-2456 (h) (“the Petition”), filed December 18, 2015, and currently in abeyance. Pursuant to section 2050.5(d) of the California Code of Regulations, Petitioner hereby requests that the Petition continue to be held in abeyance for an additional two year period, until such time as Petitioner requests that the abeyance be terminated, or the Petition is otherwise disposed of on the merits.

On March 15, 2016, the State Water Resources Control Board (“State Board”) issued notice that the Petition was complete and was being consolidated with legally or factually related petitions under section 2054 of the California Code of Regulations. Under State Board regulations, the State Board was required to issue a final disposition on the Petition by December 9, 2016. Cal. Code Regs., tit 23, § 2050.5 (a).

On November 4, 2016, the State Board issued notice of its proposed own motion to review Order No. R9-2015-0100 of the San Diego Regional Water Quality Control Board, because the State Board would not complete review of the Petition within the 270 day time period prescribed by regulation. The notice of own motion indicated that the State Board “is currently reviewing petitions on Watershed Management Programs under an MS4 permit issued by the Los Angeles Regional Water Quality Control Board,” and that “once an order is adopted


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addressing the Watershed Management Programs, the State Water Board will determine whether issuing an order addressing issues raised in the petitions challenging the San Diego MS4 Order Amendment is appropriate.” On December 6, the State Board took up the Petition on its own motion. Prior to this action, on December 2, in an effort to preserve all its legal rights, Petitioner requested that the Petition be placed in abeyance.

Despite the State Board having taken up the matter on its own motion almost two years ago, Petitioner has received no indication of substantive progress on its Petition, or on the disposition of the issues raised in the Los Angeles County petition. Additionally, attempts at inquiring on the status of these matters have gone unanswered. Thus, in addition to the continued period of abeyance, we kindly ask that you provide a summary as to the status of these matters, and when the State Board will formally address the issues raised in these petitions. Petitioner reserves the right to remove its Petition from abeyance at any time.

Please contact me should you have any questions, and thank you for your attention to this matter.

Sincerely,



Terry Dixon  
City Attorney

cc: Service List

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